In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.15967 of 2007
and
Criminal Revision No.491 of 2007

.....

Date of decision:15.3.2007

Charan Dass

.....Petitioner

v.

State of Punjab and others

.....Respondents

....

Present: Mr. M.L. Saini, Advocate for the petitioners.

.....

S.S. Saron, J.

For the reasons mentioned in the criminal miscellaneous application, the delay of 25 days in filing the criminal revision is condoned.

This criminal revision petition has been filed against the order dated 10.11.2006 passed by the learned Additional Sessions Judge, Faridkot whereby the application under Section 210 Cr.P.C. filed by the prosecution (sic. - petitioner) for clubbing the complaint case pending before the Judicial Magistrate Ist Class, Faridkot on the same facts with the case pending before the learned Additional Sessions Judge, Faridkot has been dismissed.

In the impugned order dated 10.11.2006, it has been mentioned

that there is nothing on record to show that any complaint is pending before the Magistrate on the same facts. Learned counsel for the petitioner has submitted that in the application (Annexure-P.4) filed before the learned Additional Sessions Judge, Faridkot the details of the case pending before the learned Judicial Magistrate Ist Class, Faridkot have been mentioned.

After giving my thoughtful consideration to the matter, in my view, mere mentioning of the complaint case pending before the learned Judicial Magistrate would not make out sufficient material to show that the matter pending before the learned Judicial Magistrate Ist Class, Faridkot is on the same set of allegations with respect to the matter pending before the learned Additional Sessions Judge. In the circumstances, the learned Additional Sessions Judge rightly declined the application (Annexure-P.4) filed by the petitioner for clubbing of the two cases. The petitioner may file a fresh application by giving necessary particulars in respect of proceedings pending before the learned trial Magistrate and show that the same relate to the same set of allegations as are pending before the learned Additional Sessions Judge, Faridkot.

In the light of the above observations, the present criminal revision petition stands disposed of.

March 15, 2007. **(S.S. Saron)**
Judge

hsp